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EXAMINER

FRISBY, KESHA

ART UNIT PAPER NUMBER

3715

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/655,826

Applicant(s)

KAUFMANN, STEVEN

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 9/5/2003.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 4 second to last line, "leaner" should be --learner--.

Appropriate correction is required.

### *Claim Objections*

2. Claims 1, 3 & 9 are objected to because of the following informalities: In claim 1, "leaner" should be --learner--. In claim 3, "A words and phrases" should be --Words and Phrases -- and "library;" should be --library. --. In claim 9, "is compared to;" should be -- is compared to: --. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 & 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenfield et al. (U.S. Patent Number 6,358,053).** Referring to claim 1, Rosenfield et al. discloses invoking a web browser (column 3 lines 42-44 & column 6 lines 53-63); logging a learner computer into a host system to commence a learning session (abstract: second sentence); creating a learner profile in a personal database (the examiner views this limitation as since a student profile is used it is inherent that the student profile had to be created first & claim 13); accessing a language library

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database (course materials); displaying to learner a control panel providing the learn with the option of choosing language instruction sessions (abstract: the lesson plan selected, column 4 lines 62 & 63 & Fig. 2); learner engaging in a selected instruction session (Fig. 2: instruction commences: 207).

Referring to claim 14, Rosenfield et al. discloses a host computer (150) accessible with network access devices (Fig. 1: for example, 103-106); a database containing a learner profile (claim 13); customized learner databases (according to the student profiles); executable software stored on the server that is executable on demand via a learner computer (Fig. 1), the software operative with the host computer: to create a learner profile database (the examiner views this limitation as since a student profile is used it is inherent that the student profile had to be created first & claim 13); enabling access to a language library (145); providing audio and visual output (column 3 lines 9-11 & conversation of Rosenfield); receives audio and text input (column 3 lines 9-11 & conversation of Rosenfield et al.).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfield et al. in view of Sameth et al. (U.S. Patent Number 5,882,202).** Referring to claim 2, Rosenfield et al. discloses the method of claim 1 and the learner's personal

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database can be sorted and customized in a variety of ways to facilitate learning (according to student profiles). *Rosenfield et al. does not disclose wherein; the language library contains a dictionary, recordings of live conversations, and written text in a variety of desired languages and skill levels.* However, Sameth et al. teaches wherein; the language library contains a dictionary (column 4 lines 55-57, column 6 lines 32-36, Fig. 5, Fig. 7, Module 5: dictionary database & Fig. 10), recordings of live conversations (column 6 lines 40-45), and written text in a variety of desired languages and skill levels (claim 22: the displaying limitation). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein; the language library contains a dictionary, recordings of live conversations and written text, as disclosed by Sameth et al., incorporated into Rosenfield et al. so that the user would know what the word means, have some feedback to result to when trying to learn a foreign language, as well as, having the ability to see what the user is saying.

Referring to claim 3, Rosenfield et al., as modified by Sameth et al., discloses wherein the language instruction sessions include: words and phrases instructional session that provides text and audio output (claim 1 of Sameth et al.); a reading content instruction session providing learner selected content from said language library (lesson plan of Rosenfield et al.); a workdesk instructional session providing means for audio and text output of selected content from said language library (column 3 lines 9-11 of Rosenfield et al.); a pronunciation instruction session providing means for audio input by learner for comparison to audio output of select word or phrase from the language library (pronunciation guide of Sameth et al.).

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5. **Claims 4, 11 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfield et al./Sameth et al. and further in view of Bishop (U.S. Patent Number 5,810,599).** Referring to claim 4, Rosenfield et al./Sameth et al. discloses the method of claim 3. *Rosenfield et al./Sameth et al. does not disclose wherein the language instructions sessions include a writing instruction section for submission of learner's text for review.* However, Bishop teaches wherein the language instructions sessions include a writing instruction section for submission of learner's text for review (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include written instruction section, as disclosed by Bishop, incorporated into Rosenfield et al./Sameth et al. in order to enhance oral and/or reading comprehension.

Referring to claim 11, Rosenfield et al./Sameth et al. discloses wherein audio samples are stored in the learner's database (column 2 lines 13-18 of Sameth et al.) *Rosenfield et al./Sameth et al. does not disclose wherein the submitted writing samples are stored in the learner's database.* Bishop teaches the ability to submit writing samples (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18) *but does not teach that the writing samples are stored.* However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the writing samples in the learner's database along with the audio samples so that when the user wants to review what was previous done or to see if the user has progressed or not would be greatly beneficial. In essence, the two samples would be next to each other so that the user

will be able to access both samples at once. As a result, this will make learning a foreign language easier.

Referring to claim 16, Rosenfield et al./Sameth et al, as modified by Bishop, discloses wherein a web browser enables a learner to access the host computer through use of a control panel providing the learner with the option of choosing the language of instruction for the session (abstract: the lesson plan selected, column 4 lines 62 & 63 & Fig. 2 of Rosenfield et al.).

**6. Claims 5-10, 12, 13, 15 & 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfield et al./Sameth et al./Bishop and further in view of Rtischev et al. (U.S. Patent Number 6,302,695).**

Referring to claim 5, Rosenfield et al./Sameth et al./Bishop disclose the method of claim 4 and provides submitting written text (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18 of Bishop). *Rosenfield et al./Sameth et al./Bishop does not disclose wherein the writing instruction section uses a software program to enable a coach to correct a written submission and generate a report and statistical analysis of the corrections made.* However, Rtischev et al. teaches wherein the writing instruction section uses a software program to enable a coach to correct a written submission (since Bishop provides submitting written text and Rtischev et al. provides corrections (column 18 lines 26-29) then it is obvious to correct the written submission) and generate a report (column 18 lines 34-36: the examiner views this limitation as when the teacher sends the errors to the student that is considered a report) and statistical analysis of the corrections made (column 18 lines 53-63: the examiner views this

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limitation as since there were three errors found, then there were three corrections made). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include correcting written submission, generate a report and provide statistical analysis, as disclosed by Rtischev et al, incorporated into Rosenfield et al./Sameth et al./Bishop in order to give the student a grade, show the student what they got wrong and be able to keep track of what the student are getting wrong.

Referring to claim 6, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein the learner chooses the content of interest (foreign language of Sameth et al.) for listening and reading (column 2 lines 28-35 of Sameth et al.).

Referring to claim 7, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein the learner enters selected content, into the personal database creating word card and phrase card files that can sorted by database fields (column 6 lines 31-36 of Rosenfield et al.).

Referring to claim 8, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein the personal database connects new words and lexical phrases to all sentences in the learner's personal database which contain said words and lexical phrases (create exercises Rtischev et al.).

Referring to claim 9, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein the learner's personal database is compared to: learner's goals as set in the user profile (what the student wants to accomplish, such as, the desired lesson the student wants to learn of Rosenfield et al.); to other learner's personal



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databases (see how the students compare through the use of the database of student profiles of Rosenfield et al.); to words in content that the learner is or intends to learner from as selected in the learning library database (course materials of Rosenfield et al.).

Referring to claim 10, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein the learner's personal database allows a learner to place multiple tags on a word or phrase that has been save into the database enabling the learner to query multiple, custom lists of words and phrases utilizing the tags (column 8 line 56-column 9 line 18, column 12 lines 8-21 & claims of Bishop).

Referring to claim 12, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein a language coach or learner may access writing or audio samples for review (column 2 lines 19 & 20 of Sameth et al.).

Referring to claim 15, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein said learner database can be sorted and customized in a variety of ways (according to student profiles of Rosenfield et al.) to facilitate learning utilizing multiple tag fields associated with selected words or phrases stored in the learner database (column 8 line 56-column 9 line 18, column 12 lines 8-21 & claims of Bishop).

Referring to claim 13, Rosenfield et al./Sameth et al./Bishop discloses the method of claim 11 and wherein a language coach reviews submitted writing samples (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18 of Bishop). Rosenfield et al./Sameth et al./Bishop does not disclose wherein a language coach reviews submitted audio samples and provides feedback and corrections. However, Rtischev et al. teaches wherein a language coach reviews submitted audio samples (column 18 lines

11 & 12) and provides feedback (column 18 lines 49-52) and corrections (column 18 lines 26-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein a language coach reviews submitted audio samples and provides feedback and corrections, as disclosed by Rtischev et al, incorporated into Rosenfield et al./Sameth et al./Bishop in order to give the student a grade, let the student know the proper way that the word(s) should be pronounced and provide text description of the problem.

Referring to claim 17, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein instruction sessions provide: text (textual equivalents of Sameth et al.), audio (audiovisual of Sameth et al.), and graphical output (abstract: animated representation of a person's lips of Sameth et al.); text (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18 of Bishop), audio (spoken message of Rtischev et al), and graphical input (waveform of Sameth et al.).

Referring to claim 18, Rosenfield et al./Sameth et al./Bishop, as modified by Rtischev et al., discloses wherein instruction sessions provides automated software program to learner's text input for proper syntax (textual input device 16, column 7 lines 26-50 & column 10 lines 15-18 of Bishop) and generates a report (column 18 lines 34-36: the examiner views this limitation as when the teacher sends the errors to the student that is considered a report of Rtischev et al.) and analysis (column 18 lines 53-63: the examiner views this limitation there were three errors found).

Claim 19 is rejected with the same line of reasoning as in claims 1-10 & 13 above with the additional limitations: providing a host computer (150 of Rosenfield et al) accessible

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with network access devices (Fig. 1: for example, 103-106 of Rosenfield et al.); executable software stored on the server that is executable on demand via a learner computer (Fig. 1 of Rosenfield et al.), the software operative with the host computer to create a learner profile database (claim 13 of Rosenfield et al.); enabling access to a language library (145 of Rosenfield et al.); providing audio and visual output (column 3 lines 9-11 & conversation of Rosenfield); receives audio and text input (column 3 lines 9-11 & conversation of Rosenfield et al.).

### ***Citation of Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaufman (U.S. Publication Number 2005/0084830) teaches a method of teaching a foreign language of a multi-user network requiring materials to be presented in audio and digital text format.

Renegar (U.S. Patent Number 6,024,571) teaches a foreign language communication system/device and learning aid.

Blass et al. (U.S. Patent Number 6,296,489) teaches system for sound file recording, analysis, and archiving via the Internet for language training and other applications.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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